



[Billing Code 3510-GT]

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement, Article 1904

NAFTA Panel Reviews; First Request for Panel Review.

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of First Request for Panel Review

SUMMARY: On April 24, 2012, Samsung Electronics Mexico S.A. de C.V. filed a First Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. On April 25, 2012, an additional Request was filed on behalf of LG Electronics Monterrey Mexico, S.A. de C.V. and its affiliate, LG Electronics USA, Inc. (collectively, “LG). Panel Review was requested of the U.S. Department of Commerce’s final determination regarding Bottom Mount Combination Refrigerator-Freezers from Mexico: Final Results of the January 1, 2010 - December 31, 2010 Antidumping Duty Administration Review. This determination was published in the Federal Register (77 Fed. Reg. 17422), on March 26, 2012. The NAFTA Secretariat has assigned Case Number USA-MEX-2012-1904-02 to this request.

FOR FURTHER INFORMATION CONTACT: Ellen Bohon, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free Trade Agreement (“Agreement”) established a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada, and the Government of Mexico established Rules of Procedure for Article 1904 Binational Panel Reviews (“Rules”). These Rules were published in the Federal Register on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on April 24, 2012, requesting a panel review of the determination and order described above.

The Rules provide that:

(a) a Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is May 24, 2012);

(b) a Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40

within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is June 8, 2012); and

(c) the panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in panel review and the procedural and substantive defenses raised in the panel review.

April 30, 2012

Date

Ellen Bohon
United States Secretary
NAFTA Secretariat